

ZB# 87-9

Fritz Kass

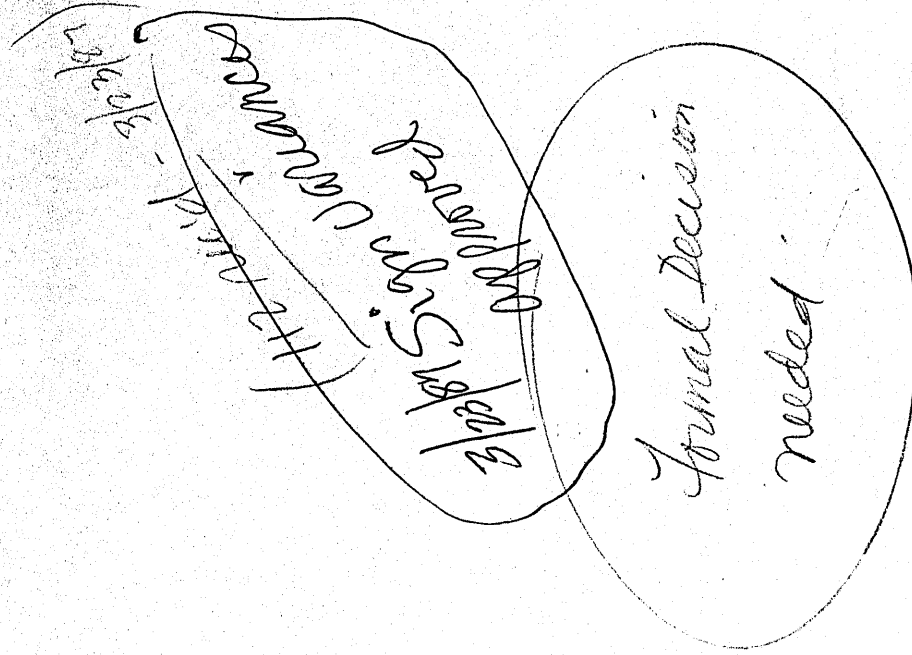
65-2-13

87-9 - Kass, Lutz (Action Audio) - Signs

Public Hearing
3/23/87.

Prelim. held on
11/24/86 - Mannion,
Cheryl.

OCPD to be
notified



General Receipt

8704

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

March 6 19 87

Received of

New Windsor Mall
Fifty and 00

\$ 50.00

DOLLARS

For

Zoning Board - 87-9
application

DISTRIBUTION:

FUND	CODE	AMOUNT
50.00		check
#8704		

By

Richard L. Townsend

Town Clerk

Title

NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

NEW WINDSOR MALL

DECISION GRANTING SIGN
VARIANCE

87-9.

-----X

WHEREAS, FREDERICK J. KASS, President of NEW WINDSOR MALL
367 Windsor Highway, New Windsor, N. Y., has made application before the
Zoning Board of Appeals for sign variances for the purposes of:
Erecting identification signs on storefronts at New Windsor Mall (16 signs);
and

WHEREAS, a public hearing was held on the 23rd day of
March, 1987 before the Zoning Board of Appeals at the Town Hall,
New Windsor, New York; and

WHEREAS, the applicant appeared in behalf of himself

_____ ; and

WHEREAS, the application was unopposed ; and

WHEREAS, the Zoning Board of Appeals of the Town of New
Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents
and businesses as prescribed by law and published in The Sentinel, also
as required by law.

2. The evidence shows: that applicant has a mall located in
an area that is zoned for same (C zoning designation) containing approximately 16 stores;

3. The evidence shows that applicant is applying for permission to
erect 16 signs - one on each facia of the individual store

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicant will encounter ^{sign} practical difficulty if the /area variance requested is not granted.

2. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

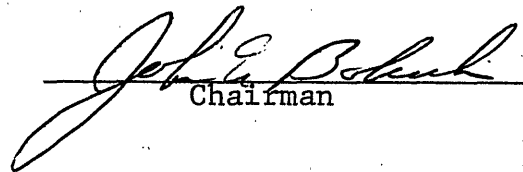
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor Grant sign area variances in accordance with Schedule A attached, all signs not to exceed 2.5 x 16 ft. in area ~~in area~~ NO MORE THAN 40 S.F. in accordance with plans submitted at the public hearing.

BE IT FURTHER,

RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: April 13, 1987


Chairman



NEW WINDSOR MALL

367 WINDSOR HIGHWAY
NEW WINDSOR, N.Y. 12550-7950
914-561-4132

Sign Plan for Section 65, Block 2, Lot 13 (CLS 455)

Total Frontage:	Route 32	190 feet
	Facing Corner	20 feet
	<u>Old Forge Hill Rd</u>	<u>270 feet</u>
	Total	480 feet

A. Signs requested are for 14 present stores, one store yet to be constructed, and a mall identification sign. (Total: 16 signs)

<u>Store Number</u>	<u>Store Name</u>	<u>Sign Size</u>	<u>Total Square Ft.</u>
1	Mr. Sharp Dry Cleaners	2 X 16	32
2	Vails Gate Vision Center	2.5 X 16	40
3	Action Athelete	2.5 X 16	40
4	Action Audio	2.5 X 20 <i>2.5x16</i>	50
5	<i>to be constructed</i>	2.5 X 16	40
6	Bedding Gallery	2.5 X 16 (Rt. 32)	80
		2.5 X 16 (Old Forge Hill)	
7	<i>to be rented</i>	2.5 X 20 <i>2.5x16</i>	50
8	Temple Hill Travel	2.5 X 16	40
9	Tony's Mens Shop	2.5 X 14	35
10	Hudson Valley Records	2.5 X 16	40
11	Hudson Valley Gold	2.5 X 16	40
12	Fantastic Cuts	3 X 14 <i>2.5x14</i>	42
13	Elephant's Trunk	2.5 X 20 <i>2.5x16</i>	50
14	Italian City Deli	2.5 X 16	40
15	Pete's Hot Dogs	2.5 X 16	40
* 16 New Windsor Mall - Corner Sign		3 X 20 <i>2.5x16</i>	60 719

*All signs
not to exceed
405 f.*

~~B. Grandfathered and prior approvals have been given to a directory sign (not constructed) and an Action Audio roof sign. (Existing)~~

C. Warehouse/Office Building to be built this summer

1. Request an Old Forge Hill Directory Sign - 40 Square feet (10' X 4'). The building has a 150' front on the parking lot. *Must conform to Z.L.*

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 9

Request of NEW WINDSOR MALL

for a VARIANCE of the regulations of the
Zoning Local Law to permit SIGNS to be
placed on the mall stores,

being a VARIANCE of Section 48-18 -

Table of Use/Bulk Regulations - Col. N

for property situated at the NEW WINDSOR

MALL location, 367 Windsor Highway,

New Windsor, New York, known and designated

as Tax Map Section 65 - Block 2 - Lot 13.

SAID HEARING will take place on the 23th day of March, 1987 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 7:30 o'clock p.m.

JACK BABCOCK, Chairman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

March 30, 1987

NEW WINDSOR MALL
367 Windsor Highway
New Windsor, N. Y 12550

Attn: Mr. Frederick J. Kass

RE: APPLICATION FOR SIGN VARIANCES
#87-9

Dear Fritz:

This is to confirm that the Zoning Board of Appeals made a decision to approve your above application for sign variances at the March 23, 1987 meeting as follows:

- (1) Each wall sign not to exceed 40 s.f.;
- (2) Identification sign stating "New Windsor Mall" not to exceed 40 s.f.;
- (3) Old Forge Hill Directory sign must conform to Zoning Local Law dealing with signs (40 s.f. only).

Formal decision will be drafted at a later date and forwarded to you by return mail.

Very truly yours,

A handwritten signature in cursive script that reads 'Patricia A. Barnhart'.

PATRICIA A. BARNHART
Secretary

/pab

cc: Town Planning Board
Town Building Inspector Babcock

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

Date: 3/5/87

(a) NEW WINDSOR MALL-367 Windsor Highway, New Windsor, NY 565-8740
(Name, address and phone of Applicant) (Owner) x

(b) n/a
(Name, address and phone of purchaser or lessee)

(c) n/a
(Name, address and phone of attorney)

(d) n/a
(Name, address and phone of broker)

☐ Use Variance ☒ Sign Variance

☐ Area Variance ☐ Special Permit

(a) C 367 Windsor Highway 65-2-13 2.88+ acres
(Zone) (Address) (S B L) (Lot size)

(b) What other zones lie within 500 ft.? R-4

(c) Is a pending sale or lease subject to ZBA approval of this application? no.

(d) When was property purchased by present owner? 1982

(e) Has property been subdivided previously? No When? -

(f) Has property been subject of variance or special permit previously? yes When? 5/84.

(g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? No.

(h) Is there any outside storage at the property now or is any proposed? Describe in detail: n/a

(a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal)

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance: n/a

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd. /	/	/
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section 48-18, Table of Use/Bulk Regs., Col. N.

*See attached Schedule A

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	319 sq.ft.	759 sq.ft.	440 sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.
See attached Schedule for dimensions of proposed signage.
Applicant is seeking building signs for individual tenant stores which are housed in the mall complex. For purposes of identification, individual signs are required on the wall face.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

Total: 759 s.f. of signage proposed.

Requirement: 319 s.f. - Applicant is seeking: 440 s.f.

VII. Special Permit: n/a

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the use and structures proposed for the special permit.

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Basically, all of the building signs will be uniform in size and material. The directory sign will be located on Old Forge Hill Road in the parking lot area which contains 150 ft. frontage.

IX. Attachments required:


- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
☒ Copy of tax map showing adjacent properties.
☐ Copy of contract of sale, lease or franchise agreement.
☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
☒ Copy(ies) of sign(s) with dimensions.
☒ Check in the amount of \$ 50.00 payable to TOWN OF NEW WINDSOR.
☒ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date March 5, 1987

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.


(Applicant)

NEW WINDSOR MALL

By: Frederick J. (Fritz) Kass, Jr.
General Partner

Sworn to before me this

5th day of March, 1987.

 Patricia A. Bernhart

PATRICIA A. BERNHART
NOTARY PUBLIC, State of New York
No. 5970775
Qualified in Orange County
Commission Expires March 30, 1987.

XI. ZBA Action:

- (a) Public Hearing date _____
- (b) Variance is _____
Special Permit is _____
- (c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

#87-9

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date 3-1-1987

To NEW WINDSOR MALL
367 WINDSOR HIGH.
NEW WINDSOR N.Y.

PLEASE TAKE NOTICE that your application dated 3-1-1987
for permit to INSTALL ¹⁶ ~~15~~ SIGN (FIFTEEN) (SIXTEEN)
at the premises located at NEW WINDSOR MALL

is returned herewith and disapproved on the following grounds:

TOTAL SQ FT OF ALL SIGNS 759
TOTAL SQ FT REQUIREMENTS 319
TOTAL SQ FT VARIANCE REQUEST (440)

Michael Buback
Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date 3-1-1987

To NEW WINDSOR MALL
367 WINDSOR HIGH.
NEW WINDSOR N.Y.

PLEASE TAKE NOTICE that your application dated 3-1-1987
for permit to ~~INSTALL~~ ¹⁶ ~~SIGN~~ (FIFTEEN) (SIXTEEN)
at the premises located at NEW WINDSOR MALL

is returned herewith and disapproved on the following grounds:

TOTAL SQ. FT. OF ALL SIGNS 759
TOTAL SQ. FT. REQUIREMENTS 319
TOTAL SQ. FT. VARIANCE REQUEST (440)

Michael Buback
Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.	1	1
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*	%	%
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

136

✓ Vaccaro Rosalie
90 Kingswood Gardens
New Windsor NY 12550

✓ Chrinian Gerard
91 Kingswood Gardens
New Windsor NY 12550

✓ Kelly Agnes
94 Kingswood Gardens
New Windsor NY 12550

✓ Keller Charles & Mae
95 Kingswood Gardens
New Windsor NY 12550

✓ St John Jean M
72 Kingswood Gardens
New Windsor NY 12550

Traub Lawrence & Rose
73 Kingswood Gardens
New Windsor NY 12550

✓ O'Dea William & Margaret E
68 Kingswood Gardens
New Windsor NY 12550

✓ Cook Joseph & Catherine
69 Kingswood Gardens
New Windsor NY 12550

✓ Cennamo Felice
66 Kingswood Gardens
New Windsor NY 12550

✓ Le Crann Alain & Leda C
67 Kingswood Gardens
New Windsor NY 12550

✓ Mac Farland Gertrude
70 Kingswood Gardens
New Windsor NY 12550

✓ Ray Marie K
71 Kingswood Gardens
New Windsor NY 12550

✓ Karp Ronald A & Rochelle
58 Runnymede Rd
Berkely Hgts NJ 07922

✓ Conklin Jennie M
81 Kingswood Gardens
New Windsor NY 12550

✓ Ruscitti ~~Aaron J~~ & Patricia A
76 Kingswood Gardens
New Windsor NY 12550

✓ Nolfo Louis A & Elsie B & Ronald P
PO Box 523
Vails Gate NY 12584

Rosenthal Jordan & Miriam
74 Kingswood Gardens
New Windsor NY 12550

✓ Worrada Lewis H Sr
75 Kingswood Gardens
New Windsor NY 12550

✓ Cummings Thomas & Grace
78 Kingswood Gardens
New Windsor NY 12550

✓ Barbieri Gerard & Agnes C
79 Kingswood Gardens
New Windsor NY 12550

Lenahan Hugh & Margaret
56 Kingswood Gardens
New Windsor NY 12550

Flint Rose L
57 Kingswood Gardens
New Windsor NY 12550



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TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

✓ Ferraris George & Adeline
110 Kingswood Gardens
New Windsor NY 12550

✓ Braun Marie
112 Kingswood Gardens
New Windsor NY 12550

✓ Cammarata Biagio & Grace
104 Kingswood Gardens
New Windsor NY 12550

✓ Dibetto Frank & Marie
105 Kingswood Gardens
New Windsor NY 12550

✓ Shedden Joan A
PO Box 608A
Vails Gate NY 12584

✓ De Crosta Liberato & Isabelle
98 Kingswood Gardens
New Windsor NY 12550

✓ Sotland Adele & Riesenbergn Marion
c/o Adele Sotland
17 Hearthstone Way
New Windsor NY 12550

✓ Germaine Italia
103 Kingswood Gardens
New Windsor NY 12550

✓ Leghorn William F & Muriel E
88 Kingswood Gardens
New Windsor NY 12550

✓ Gambetta Ida & Rafanelli Marie
89 Kingswood Gardens
New Windsor NY 12550

✓ Hyser Revo & Vera
84 Kingswood Gardens
New Windsor NY 12550

Van Leuven Dorothy
85 Kingswood Gardens
New Windsor NY 12550

✓ D'Angelo Thomas & Vincenza
82 Kingswood Gardens
New Windsor NY 12550

✓ Cavalari John R & Frances M
c/o Cavalari John
Rt 94 RD2
Newburgh NY 12550

✓ Smith Linda F & Sloat Susan E
c/o Bessie Nelson
86 Kingswood Gardens
New Windsor NY 12550

✓ Keats Marguarite
87 Kingswood Gardens
New Windsor NY 12550

✓ Mc Loughlin Michael & Margaret
96 Kingswood Gardens
New Windsor NY 12550

✓ Geraci Peter S & Villano Florence M
28 Baldwin Drive
Wappingers Falls NY 12590

Diaz Mary L
92 Kingswood Gardens
New Windsor NY 12550

✓ Swanson Karl Stuart
93 Kingswood Gardens
New Windsor NY 12550



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TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Mena Mercurio Fidelin S
7 Kingswood Gardens
New Windsor NY 12550

Fredericks Gladys
8 Kingswood Gardens
New Windsor NY 12550

✓ Cennamo Daniel & Virginia
3 Kingswood Gardens
New Windsor NY 12550

Weiner Sylvia
4 Kingswood Gardens
New Windsor NY 12550

✓ Conyea Minnie
1 Kingswood Gardens
New Windsor NY 12550

✓ Cardullo Frank
2 Dorothy Court
Farmingdale NY 11735

✓ De Latorre George & Lorraine
5 Kingswood Gardens
New Windsor NY 12550

Newman Thomas & Muriel
7 Kingswood Gardens
New Windsor NY 12550

Lease Ray
18 Kingswood Gardens
New Windsor NY 12550

✓ Swanson Kenneth G & Lillian M
17 Kingswood Gardens
New Windsor NY 12550

✓ Neumetzger Lothar & Beverly
29 Susan Dr
Newburgh NY 12550

✓ Wasilewski ~~Nicholas~~ & Rose
9 Kingswood Gardens
New Windsor NY 12550

✓ Mascitelli Alfred C & Elizabeth
10 Kingswood Gardens
New Windsor NY 12550

✓ Selemon Charles N & Berndine
14 Kingswood Gardens
New Windsor NY 12550

✓ Smith Charles & Edna
45 Wright St
Pearl River NY 10965

✓ Mc Cullough Marion
112 Kingswood Gardens
New Windsor NY 12550

✓ Stauch Henry & Helen
113 Kingswood Gardens
New Windsor NY 12550

✓ Mullin Ambrose L & Helen S
108 Kingswood Gardens
New Windsor NY 12550

Pidhorodecky Olga
Pidhorodecky Mark
Eich Barbara
105 Prospect Ave
Irvington NJ 07111

✓ Honold Marylou & Carolyn G
109 Kingswood Gardens
New Windsor NY 12550

Laubscher Margaret
108 Kingswood Gardens
New Windsor NY 12550



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TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

✓ De Crosta Anthony & Gloria
✓ 52 Kingswood Gardens
New Windsor NY 12550

✓ Gillespie Charlotte & Childress
✓ Dolores
53 Kingswood Gardens
New Windsor NY 12550

✓ Finkelstein Sylvia
✓ 50 Kingswood Gardens
New Windsor NY 12550

✓ Cavalari Agnes
✓ Box 276
Vails Gate NY 12584

Knapp Joyce
37 Roe St
Newburgh NY 12550

✓ Konner Rose
✓ 64 Kingswood Gardens
New Windsor NY 12550

✓ Whalen Anna Lee
✓ 65 Kingswood Gardens
New Windsor NY 12550

✓ Newman Ruth
✓ 60 Kingswood Gardens
New Windsor NY 12550

Duff Michael & Elizabeth
471 Wolf Hill Rd
Dix Hills NY 11746

✓ Ruggerio Josephine
✓ 58 Kingswood Gardens
New Windsor NY 12550

✓ Strokirk Edward & Jennie
✓ 59 Kingswood Gardens

✓ Messina Nancy
✓ 62 Kingswood Gardens
New Windsor NY 12550

✓ Negus George W & Edna F
✓ 63 Kingswood Gardens
New Windsor NY 12550

✓ Salonsky Ethel
✓ 40 Kingswood Gardens
New Windsor NY 12550

✓ Amen Anthony & Ida
✓ 41 Kingswood Gardens
New Windsor NY 12550

Kirson Joseph & Belle
36 Kingswood Gardens
New Windsor NY 12550

✓ Bauer Leonard R & Alice C
✓ 3 Regimental Pl
New Windsor NY 12550

✓ Mc Keegan James J & Helen A
✓ 34 Kingswood Gardens
New Windsor NY 12550

✓ Pirhala Roy T
✓ 35 Kingswood Gardens
New Windsor NY 12550

✓ Berean Laurine R & Bradley Mary E
✓ 47 Parade PL
New Windsor NY 12550

✓ Levy Mannie & Diana
✓ 48 Kingswood Gardens
New Windsor NY 12550

Ibriq Laura
34-41 78th. St Apt 6D
Jackson Hieghts NY 11372



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TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

✓ Salomon Iris
45 Kingswood Gardens
New Windsor NY 12550

✓ Smith Louise
42 Kingswood Gardens
New Windsor NY 12550

✓ Civitano Sr Frank J & Jean
43 Kingswood Gardens
New Windsor NY 12550

✓ Leonardi Angelo & Gerdi
46 Kingswood Gardens
New Windsor NY 12550

✓ Levine Abraham & Dorothy
47 Kingswood Gardens
New Windsor NY 12550

✓ Valenti Anthony A & Marie A
32 Kingswood Gardens
New Windsor NY 12550

✓ Pesavento Veronica A
33 Kingswood Gardens
New Windsor NY 12550

✓ Magliano Alfred & Rosalie
28 Kingswood Gardens
New Windsor NY 12550

✓ Jesse Earl & Hazel V
6 Cannon Dr
New Windsor NY 12550

✓ Coviello Alex & Genevieve
500A Commons Way
Fishkill NY 12524

Dykes William M & Eunice
27 Kingswood Gardens
New Windsor NY 12550

✓ Miller Donald & Zawada Elsa
30 Kingswood Gardens
New Windsor NY 12550

Buckley Jeremiah & Matilda
24 Kingswood Gardens
New Windsor NY 12550

✓ Salvaggio Anna
25 Kingswood Gardens
New Windsor NY 12550

✓ Di Pino Gennaro & Berean Laurine
20 Kingswood Gardens
New Windsor NY 12550

Mc Cracken William John
21 Kingswood Gardens
New Windsor NY 12550

✓ Lo Presti Emil & Rose
18 Kingswood Gardens
New Windsor NY 12550

✓ Wolpe Judel & Miriam
19 Kingswood Gardens
New Windsor NY 12550

✓ Thompson Albert & Helen
22 Kingswood Gardens
New Windsor NY 12550

Maiorino Lillian
23 Kingswood Gardens
New Windsor NY 12550

✓ Vails Gate Fire Co Inc
PO Box 101
Vails Gate NY 12584

✓ City School District of Newburgh
Vails Gate Elementary School
98 Grand St
Newburgh NY 12550



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

✓ Panella Emilio
410 Bloomingrove Tpke
New Windsor NY 12550

✓ Sun Refining & Marketing Co
ATTN: R E Tax Department
Ten Penn Center
1801 Market Street
Philadelphia Pa 19103

BILA Partners
c/o William Rosenberg
176 N Main St
Florida NY 10921

✓ Graziono Jack V & Emilie M
317 Old Forge Hill Rd
New Windsor NY 12550

✓ Musolino Frances
PO Box 206
Vails Gate NY 12584

✓ Kroposki Walter
PO Box 731
Monroe NY 10950

✓ Rosenbaum Industries Inc
PO Box 428
Vails Gate NY 12584

✓ Daidone Charles T & Rose M
250-260 Temple Hill Rd
New Windsor NY 12550

Adams Harold
PO Box 4053
New Windsor NY 12550

✓ Nottingham Assoc
c/o The Howard Savings Bank
Mortgage Servicing Dept
200 S Orange Ave
Livingstone NJ 07039

✓ Crook Richard J & Jeanine M
64 Continental Dr
New Windsor NY 12550

✓ Marotta William J & Genevieve F
66 Continental Dr
New Windsor NY 12550

✓ Bakker Berend & Margaret G
68 Continental Dr
New Windsor NY 12550

✓ Eldridge Ahiel T & Lina A
70 Continetal Dr
New Windsor NY 12550

✓ Simonson Ralph A & Rose J
72 Continental Dr
New Windsor NY 12550

✓ Spreer Edward F & Linda
74 Continental Dr
New Windsor NY 12550

✓ Toepfer Christopher
76 Continental Dr
New Windsor NY 12550

✓ Sitler Michael R & Kathleen A
60 Continental Dr
New Windsor NY 12550

✓ Woodruff Lawrence & Joan M
62 Continental Dr
New Windsor NY 12550

✓ Forge Hill Associates
c/o Tower Management Service
11G Ivy Lane
Bergenfield NJ 07621



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Balmville Estates Inc
PO Box 4053
New Windsor NY 12550

✓ Bromberg Arthur & William
300 Old Forge Hill Rd
New Windsor NY 12550

✓ Laborers Local 17
Realty Trust
PO Box 356
Vails Gate NY 12584

✓ Cicchetti O Edward
8 BaltsaS Rd
Newburgh NY 12550

Vitolo Reziero
12 Lancer Dr
Newburgh NY 12550

✓ Hecht Eugene I & Bakker
Leonard G
363 Windsor Highway
New Windsor NY 12550

✓ Gilbert James M & Anita B
53 Continental Dr
New Windsor NY 12550

✓ Zapantis Costas & Anna
51 Continental Dr
New Windsor NY 12550

✓ Kemp David W & Marie
49 Continental Dr
New Windsor NY 12550

B.

ORANGE COUNTY DEPARTMENT OF PLANNING
APPLICATION FOR MANDATORY COUNTY REVIEW
OF LOCAL PLANNING ACTION
(Variances, Zone Changes, Special Permits, Subdivisions)

Section A. - To be completed by Local Board having jurisdiction.
To be signed by Local Official.

Local File No. 87-9

1. Municipality TOWN OF NEW WINDSOR Public Hearing Date 3/23/87

☐ City, Town or Village Board ☐ Planning Board ☒ Zoning Board of Appeals

2. Applicant: NAME NEW WINDSOR MALL

Address 367 Windsor Highway, New Windsor, N. Y. 12550

Attorney, Engineer, Architect -

3. Location of Site: Route 32, Windsor Highway at Old Forge Hill Rd.
(street or highway, plus nearest intersection)

Tax Map Identification: Section 65 Block 2 Lot 13

Present Zoning District C Size of Parcel 2.88+ acres

4. Type of Review:

☐ Special Permit Use*

☒ Variance* Use

Area SIGNS - Mall stores - Section 48-18 - Supp. Sign Regs

☐ Zone Change* From: To:

☐ Zoning Amendment* To Section:

☐ Subdivision** Major Minor

3/5/87

Date

Patricia A. Bankhart
Signature and Title

Secretary
ZBA

*Cite Section of Zoning Regulations where pertinent

**Three (3) copies of map must be submitted if located along County Highway, otherwise, submit two (2) copies of map.

OCPD-1



NEW WINDSOR MALL

367 WINDSOR HIGHWAY
NEW WINDSOR, N.Y. 12550-7950
914-561-4132

March 2, 1987

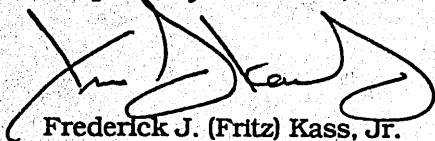
Town of New Windsor
Union Avenue
New Windsor, NY 12550

Good Morning,

Enclosed is a sign plan for the New Windsor Mall. I understand a Zoning Board of Appeals variance is required for these signs to meet the Town of New Windsor signage codes.

Please grant whatever is necessary so these 16 present and future stores may enjoy doing business within the fine Town of New Windsor for many years to come.

Respectfully submitted,

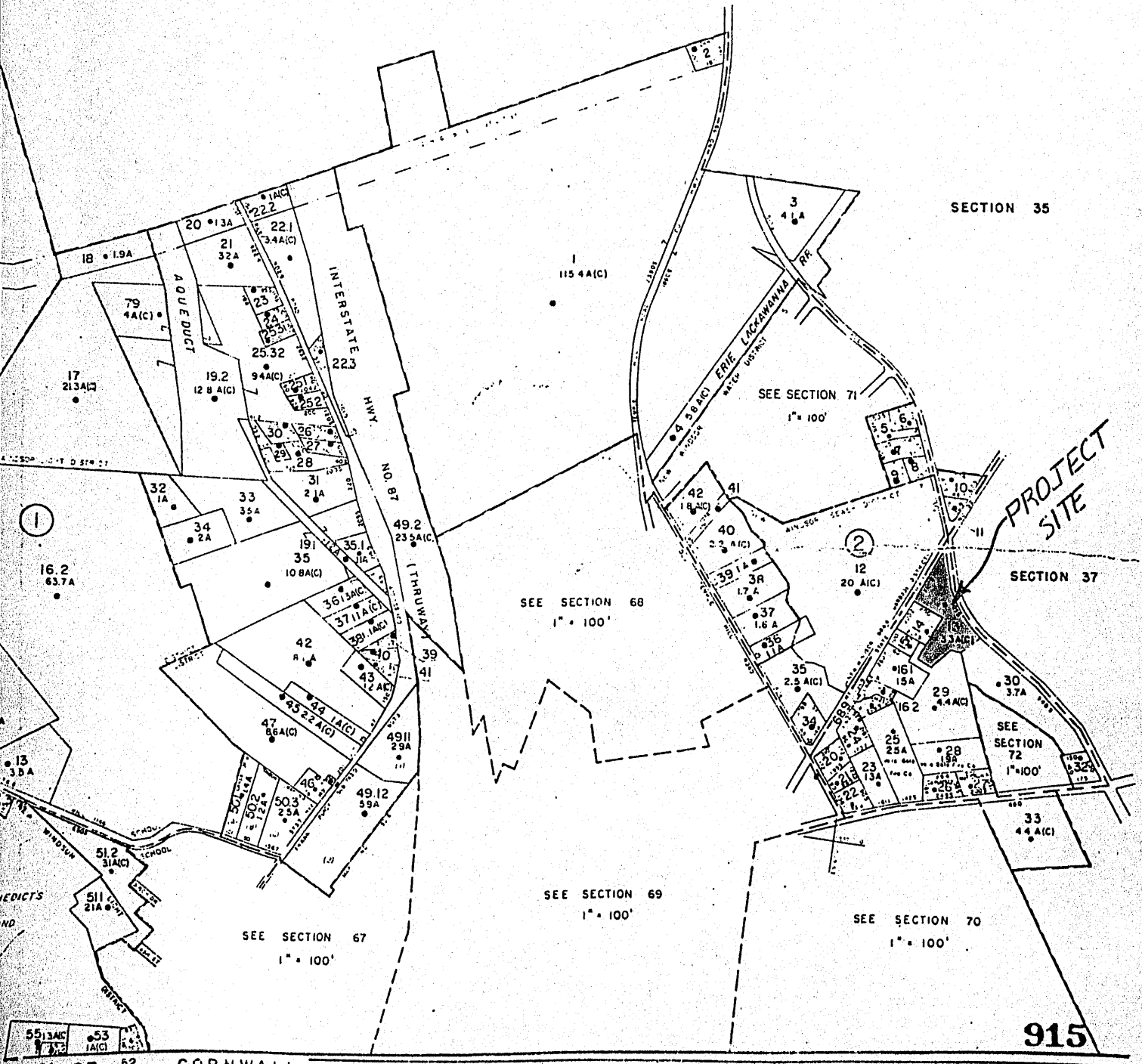
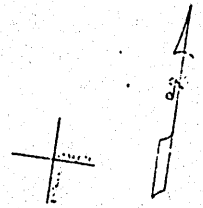


Frederick J. (Fritz) Kass, Jr.
General Partner

FJK/mel

enc: Sign Plan
Building Plans

SECTION 35



915

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----X

In the Matter of the Application of

FREDERICK KASS, JR. (ACTION AUDIO)

DECISION GRANTING
USE AND AREA VARIANCES

84-6.

-----X

WHEREAS, FREDERICK KASS, JR. of 367 Windsor Highway,
New Windsor, N. Y. 12550, has made application before the
Zoning Board of Appeals for use and area variance (s) for the purpose
in an R-4 and C zone;
of: construction of new 6,000 sq. ft. warehouse with insufficient rearyd./
and

WHEREAS, a public hearing was held on the 11th day of
June, 19 84 at the Town Hall, 555 Union Avenue, New Windsor,
New York; and

WHEREAS, applicant appeared with his consulting engineer,
New York;
William Hauser of McGoeys & Hauser, 44 Quassaick Ave., New Windsor/ and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New
Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents
and businesses as prescribed by law and published in The Sentinel, also
as required by law.

2. The evidence shows: that a new 6,000 sq. ft. warehouse
will be constructed to replace the old warehouse, which is pre-existing

3. The evidence shows: that the area is basically commercial
in nature and could not be utilized for one-family residential dwellings
in an area which is 90% commercial.

4. The evidence shows: that the commercial warehouse would not change the character of the area in any way but would actually upgrade the area since the new warehouse would replace the old warehouse.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

1. The evidence indicates that the aforesaid circumstances or conditions are such that the strict application of the provisions of the local law would deprive the applicant of the reasonable use of such land or building.

2. The evidence indicates that the plight of the applicant is due to unique circumstances and not to general conditions suffered by other persons within the same zone.

3. The evidence shows that the applicant will encounter practical difficulty if the area variance requested is not granted.

4. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grants the proposed use of a warehouse in an R-4 zone and also grants the 35 ft. rear yard variance for construction of same, in accordance with plans submitted at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant, or his attorney.

Dated: June 25, 1984.

S/ Joseph Skopin
V. Chairman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK
(914) 565-8550

June 14, 1984

Mr. Frederick Kass, Jr.
ACTION AUDIO
Routes 32/Old Forge Hill Road
New Windsor, N. Y. 12550

RE: APPLICATION #84-6 - ZONING BOARD OF APPEALS - KASS

Dear Fritz:

This is to confirm the action taken by the Zoning Board of Appeals at the public hearing held on 6/11/84 in the above-entitled matter:

- GRANTED . USE VARIANCE and 35 Ft. REAR
YARD VARIANCE for proposed new
6,000 sq. ft. warehouse;
- GRANTED . USE VARIANCE - portion of warehouse
in R-4 zone to be converted to stores
(numbered 9, 10 & 11 on site plan);
- DENIED . USE VARIANCE and AREA VARIANCES -
Proposed new two-story office building;

Formal decisions will be drafted and acted upon at an upcoming meeting of the ZBA. You will be in receipt of a copy by return mail.

Best of luck with your project.

Very truly yours,

PATRICIA DELIO
Secretary - ZBA

/pd

cc: Town Planning Board
Patrick Kennedy, Building/Zoning Officer

Prelim.
3/26/84

7:30 p.m.

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date March 21, 1984

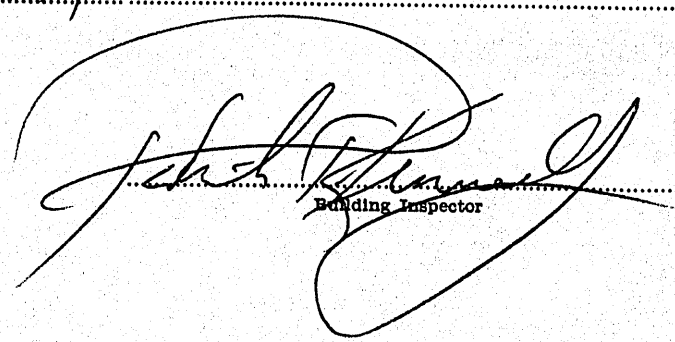
To Frederick J. Kass, Jr.
367 Windsor Highway
New Windsor, NY

PLEASE TAKE NOTICE that your application dated March 21, 1984
for permit to Extend existing retail business; build new office building (2 story)
at the premises located at S.E. Cor. N.Y.S. Rte. 32 and Forge Hill Rd.
(Action Audio)

is returned herewith and disapproved on the following grounds:

- 1) use variance - Commercial/Retail; office in R-4 zone
- 2) Office Frontyard variance, side yard variance, rear yard variance
- 3) Retail - side yard (7')

Sign?


Building Inspector

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Ordinance on the following proposition:

Appeal No. 6

Request of FREDERICK J. KASS, JR.

for a VARIANCE ~~SPECIAL PERMIT~~ of

the regulations of the Zoning Ordinance to

permit construction of a new professional building,
new warehouse and expansion/conversion of existing
retail buildings

being a VARIANCE ~~SPECIAL PERMIT~~ of

Section 48-9 - Table of Use Regs.-Col. B and
Section 48-12 - Table of Bulk Regs. - Cols. 6 & 8
for property situated as follows:

Southeasterly corner of intersection of NYS Route 32

and Forge Hill Road known and designated as

Section 65-Block 2- Lot 13 in the Town of New Windsor,
New York.

SAID HEARING will take place on the 11th day of
June, 1984, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

DANIEL P. KONKOL
Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

84-6

Date: _____

- I. ✓ Applicant Information: 367 WINDSOR HIGHWAY NEW WINDSOR
- (a) FREDERICK J. KASS JR. 565-8740
(Name, address and phone of Applicant) (Owner)
- (b) SAME
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☒ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Special Permit

III. ✓ Property Information:

- (a) C/R-4 367 WINDSOR HIGHWAY 65-2-13 2.88 ACRES
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1982
- (e) Has property been subdivided previously? NO When? _____
- (f) Has property been subject of variance or special permit previously? NO When? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. ✓ Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 48-9, Table of USE Regs., Col. B, to allow:
(Describe proposal)
1. CONSTRUCT TWO STORY OFFICE BLDG. IN R-4 ZONE
 2. CONVERT EXISTING WAREHOUSE TO COMMERCIAL RETAIL USE PART IN R-4 ZONE AND PART IN C ZONE
 3. CONSTRUCTION OF NEW WAREHOUSE TO REPLACE EXIST WAREHOUSE STRUCTURE IN R-4 ZONE

- (b) ✓ The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

The parcel lies in commercial and residential zones with the access through commercial areas in general. In order to properly develop the property the best use would be commercial since access to residential areas through commercial parking and traffic would not be desirable. The restriction for development of residential property in the rear would therefore present an unnecessary hardship.

V. ✓ Area

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of BULK Regs., Col. 6, 8.

Requirements	OFFICE	WAREHOUSE	Proposed or Available	Variance Request
Min. Lot Area				
Min. Lot Width				
Reqd. Front Yd.	<u>35</u>		<u>18</u>	<u>18</u>
Reqd. Side Yd.				
Reqd. Rear Yd.	<u>40</u>	<u>40</u>	<u>25</u> <u>5</u>	<u>25</u> <u>5</u>
Reqd. Street Frontage*				
Max. Bldg. Hgt.				
Min. Floor Area*				
Dev. Coverage*		%	%	%
Floor Area Ratio**				

* Residential Districts only

** Non-residential districts only

- ✓ (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

The practical difficulty exists because in order to provide safe, proper and easy access to and from the site and proper orderly parking it is necessary to place buildings nearer to property lines than required. Also, since existing building lines should be maintained, the compliance with the setback & side yard requirements presents practical difficulty.

VI. Sign

Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the use and structures proposed for the special permit.

VIII. ☒ Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

FRONTAGE TO BE TASTEFULLY LANDSCAPED; COMMERCIAL SIGNS TO BE BUILDING FACE TYPE; DRAINAGE TO BE PIPED AS PRACTICAL; BUILDING CONSTRUCTION TO BE ARCHITECTURALLY COMPATIBLE WITH SURROUNDINGS; SITE TO BE ADEQUATELY LIGHTED FOR SAFETY & SECURITY BUT NOT OVER ILLUMINATED CAUSING GLARE; FRONTAGE ON RTE 32 AND FORGE HILL RD. TO BE AESTHETICALLY IMPROVED.

IX. Attachments required:

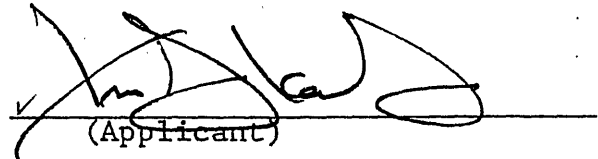
- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
- ☒ Copy of tax map showing adjacent properties.
- ☒ N/A Copy of contract of sale, lease or franchise agreement.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☒ Copy(ies) of sign(s) with dimensions.
- ☒ Check in the amount of \$ 50.00 payable to TOWN OF NEW WINDSOR.
- ☒ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT


Date 9 MAY 84

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.


(Applicant)

Sworn to before me this
9th day of May, 1984.


RUTH J. EATON
Notary Public, State of New York
Qualified in Orange County
Commission Expires March 30, 1986
Reg. No. 4673512

XI. ZBA Action:

- (a) Public Hearing date _____.
- (b) Variance is _____.
- Special Permit is _____.
- (c) Conditions and safeguards: _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.